

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 18, 2007. Claims 1, 2, 6 to 10, 14 to 16 and 19 to 21 are in the application, with Claims 3 to 5, 11 to 13, 17 and 18 having been canceled. Claims 1, 9, 19, 20 and 21 are the independent claims. Reconsideration and further examination are respectfully requested.

The Abstract was objected to for informalities. Although a specific objection was not given, the Abstract has been amended to comply more closely with the MPEP guidelines. Withdrawal of the objection is therefore respectfully requested.

Claims 6, 14 and 21 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. In particular, the Office Action alleges that Claims 6 and 14 duplicate the limitations of Claims 1 and 9, respectively, and that Claim 21 duplicates the limitations of Claim 1. These rejections are traversed. In particular, each of Claims 6 and 14 provides features not present in the base claim. Specifically, Claims 6 and 14 recite that the positional information indicates a specific region of any one of a plurality of servers storing the file, whereas Claims 1 and 9 only recite specifying a region of a server.

With regard to Claim 21, while Claim 1 and Claim 21 are both directed to a file recording system, Claim 1 is directed to a system comprised of means, whereas Claim 21 is directed to a system comprised of units. As such, the scope of these claims differs, such that a rejection or objection based on duplicate claiming is seen to be inappropriate. See MPEP § 706.03(k) (Rev. 5, Aug. 2006) (“[C]ourt decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways.

Indeed, a mere difference in scope between claims has been held to be enough.”)

Withdrawal of the § 112 rejection is therefore respectfully requested.

Claims 1, 3, 5 and 19 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter, and in particular for being directed to software per se. Specifically, the Office Action asserts that “[i]n the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the ‘means’ as a software application. As such, the system of ‘means’ alone is not a machine.”

This rejection is traversed. In this regard, MPEP § 2106 states:

“USPTO personnel are to give the claimed means plus function limitations their broadest reasonable interpretation consistent with all corresponding structures or materials described in the specification and their equivalents including the manner in which the claimed functions are performed”.
MPEP § 2106 (Rev. 5, Aug. 2006).

With regard to Claims 1, 3 and 5, Applicant respectfully submits that if these claims are being interpreted as means plus function claims, as apparently asserted by the Office Action, they must be construed as being embodied on the structure as disclosed in the specification. Accordingly, it is not seen how these claims can possibly be directed to software not embodied on a computer-readable medium. With regard to Claim 19, and without conceding the correctness of the rejection, Claim 19 has been amended to recite “a computer executable program stored on a computer-readable medium”. Withdrawal of the § 101 rejection is therefore respectfully requested.

Claims 1, 2, 6 to 10, 12 and 14 to 21 were rejected under 35 U.S.C. § 102(e) over U.S. Publication No. 2002/0069237 (Ehara). Claims 3 to 5, 11 and 13 were rejected

under 35 U.S.C § 103(a) over Ehara in view of U.S. Patent No. 6,715,003 (Safai).

Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention generally concerns transferring files from a removable recording medium. One or more files and a positional information of a file transfer destination are read from the removable recording medium, and the one or more files read from the removable recording medium are transferred to a specific region on a server specified by the positional information. When all of the files stored in the removable recording medium are transferred to the server, an indication of whether or not to delete the one or more transferred files is acquired before transmission of the files. On the other hand, when only selected files are transferred to the server, an indication of whether or not to delete the one or more transferred files is acquired after transmission of the files.

By virtue of this arrangement, it is ordinarily possible to advantageously adjust the timing for confirming deletion of files from the removable recording medium. For example, if only certain files selected by the user are transmitted, the confirmation of deletion occurs after transmission, thus reducing the likelihood that files are accidentally or unexpectedly deleted. On the other hand, when all of the files on the removable recording medium are transmitted, the confirmation occurs before transmission, thus reducing the need for the user to wait for complete transmission of all of the files before deletion can be confirmed.

Referring specifically to claim language, independent Claim 1 is directed to a file recording system. The system includes reading means for reading out one or more

files and a positional information of a file transfer destination from a removable recording medium storing the one or more files and the positional information, and file transfer means for transferring the one or more files read by the reading means to a specific region on a server specified by the read positional information. The system further includes deletion designating means for acquiring an indication from a user of whether or not to delete the one or more transferred files from the removable recording medium before the transmission of the one or more files by the transferring means when all the files stored in the removable recording medium are transferred to the server, and acquiring the indication from a user of whether or not to delete the one or more transferred files from the removable recording medium after the transmission of the one or more files by the transferring means when only files selected by the user from the files stored in the removable recording medium are transferred to the server. In addition, the system includes deletion means for deleting the one or more transferred files from the removable recording medium if the deletion designating means acquires the indication of deletion of files from the user.

Independent Claim 21 is directed to a file recording system substantially in accordance with the system of Claim 1, with the exception of the differences in scope as pointed out above.

Independent Claim 9 is directed to a file transfer method for transferring one or more files recorded on a removable recording medium via a network to a predetermined server. The method includes a step of reading from the removable recording medium the one or more files and a positional information of a transfer destination of the files recorded on the removable recording medium, and a step of transferring the one or more read files to

a specific region on a server specified by the read positional information. The method further includes a step of acquiring an indication from a user of whether or not to delete the one or more transferred files from the removable recording medium before the transmission of the one or more files by the transferring step when all the files stored in the removable recording medium are transferred to the server, and acquiring the indication from a user of whether or not to delete the one or more transferred files from the removable recording medium after the transmission of the one or more files by the transferring step when only files selected by the user from the files stored in the removable recording medium are transferred to the server. Additionally, the method includes a step of deleting the one or more transferred files from the removable recording medium if the indication of deletion of files is acquired from the user.

Independent Claims 19 and 20 are directed to a program and a storage medium, respectively, substantially in accordance with the method of Claim 9.

The applied art is not seen to disclose or suggest the features of the present invention, and in particular is not seen to disclose or suggest at least the feature of acquiring an indication from a user of whether or not to delete transferred files from a removable recording medium before transmission of the files when all files in the removable recording medium are to be transferred to a server, and acquiring the indication from a user of whether or not to delete the transferred files after the transmission of the files when only files selected by the user from the files in the removable recording medium are transferred to the server.

As understood by Applicant, Ehara is directed to a system in which image data stored on a removable medium is automatically read by a personal computer and transmitted to an HTTP server via a network. See Ehara, Abstract.

However, Ehara is not seen to address a user's deletion of image data or files from the removable medium at all, much less acquiring an indication from a user of whether or not to delete transferred files from a removable recording medium before transmission of the files when all files in the removable recording medium are transferred to the server, and acquiring an indication from a user of whether or not to delete the transferred files from the removable recording medium after the transmission of the files when only files selected by the user from the files in the removable recording medium are transferred to the server.

Safai has been reviewed and is not seen to remedy the above-noted deficiencies of Ehara. In this regard, Safai (Column 14, lines 38 to 44) discloses a delete option check box which allows a user to indicate whether to delete user-selected photos from a camera before sending them. However, this timing is seen to be the opposite of the feature claimed by Applicant, in which the deletion of selected images is confirmed after transmission. Moreover, Safai is not seen to disclose obtaining deletion confirmation before transmission of photos when all files in the removable recording medium are to be transferred to the server, since Safai is only seen to address transmitting selected files.

Therefore, independent Claims 1, 9, 19, 20 and 21 are believed to be in condition for allowance, and such action is respectfully requested.

The other claims in the application are each dependent from the independent claims discussed above and are therefore believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Turning to a formal matter, an Information Disclosure Statement accompanies this paper. Consideration of the cited art is respectfully requested.

No other matters being raised, the entire application is believed to be in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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